

TFW 3762

PTO/SB/21 (09-04)  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

19

Application Number

10/523,538

Filing Date

February 3, 2005

First Named Inventor

Sunagawa et al.

Art Unit

3762

Examiner Name

Attorney Docket Number

KUP-6

### ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☒

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/  
Incomplete Application

☐

Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a  
Provisional Application

☐

Power of Attorney, Revocation  
Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board  
of Appeals and Interferences

☐

Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify  
below):

2 References  
Post Card

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

BROWN & MICHAELS, PC

Signature

Printed name

Meghan A. Van Leeuwen

Date

3/10/06

Reg. No.

45,612

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

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Justin Wood

Date

3/10/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER OF PATENTS AND TRADEMARKS

Alexandria VA 22313-1450

In re the application of: Sunagawa et al.  
For: Ultra Miniature Integrated Cardiac Pacemaker and Distributed Cardiac Pacing System  
Filed: February 3, 2005  
Application No.: 10/523,538  
Art Unit: 3762  
Attorney Docket No.: KUP-6

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this information Disclosure Statement

1. ☒ Preliminary Statements
2. ☒ FORM PTO - 1449 (Modified)
3. ☐ Statement As To Information Material To Examination Not Found in Patents or Publications
4. ☐ Identification of Prior Application In Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted.
5. ☐ Cumulative patents or Publications
6. ☐ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items.
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Certification under MPEP 609(e)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

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CERTIFICATE OF MAILING

[X] Certified Mail No: 7004 0750 0003 0365 3111

Date: March 10, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service, return receipt requested in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date.

  
Justin Wood

## **Section 1. Preliminary statements**

Applicant submits herewith patents, publications or other information of which he is aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

## **Section 2. Form PTO - 1449 (Modified) (SEE ATTACHMENT)**

\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw a line through citation if not in conformance or not considered. Include a copy of this form with the next communication to applicant.

## **Section 3. Statement As To Information Material For Examination Not Found in Patents or Publications (Information not listed in PTO 1449)**

## **Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted**

## **Section 5. Cumulative Patents or Publications**

☐ Item(s)

are cumulative of the following patents or publication listed on Form PTO 1449 (modified):

In accordance with 37 CFR 1.98(c) a copy of \_\_\_\_\_ is being submitted with this information disclosure statement.

## **Section 6. Copies of Listed Information Items Accompanying This Statement**

Legible copies of all items listed accompany this information statement.

☐ Exception(s) to above:

☐ Items in prior application from which an earlier filing date is claimed for this application as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

## **Section 7. Concise Explanation of Non-English Language Listed Information Items**

## **Section 8. Translation(s) of Non-English Language Documents**

☐ Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:

☐ No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

☐ The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

## Section 9. Certification under Rule 1.97

☐ The undersigned hereby certifies that:

a. This Statement is being filed after the latest of (1) three months after the filing date of a national application; (2) three months after the date of entry of the national stage as set forth in w 1.491 in an international application; (3) the mailing date of a first Office action on the merits.

b. The fee set forth in §1.17(p)

☐ Is being paid with this Information Disclosure Statement

☐ Is not due because:

☐ (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or

☐ (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.

## Section 10. IDENTIFICATION OF PERSON(S) MAKING THIS INFORMATION DISCLOSURE STATEMENT

The person making this statement is

(a) ☐ the inventor(s) who signs below

(b) ☒ the attorney who signs below on the basis of:

☐ the information supplied by the inventor(s)

☐ an individual associated with the filing and prosecution of this application (37 CFR 1.56(c)).

☒ the information in the attorney's file

  
Meghan Van Leeuwen, Registration No. 45,612

BROWN & MICHAELS, PC

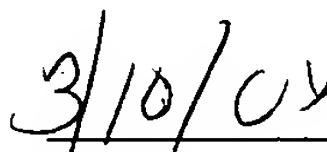
400 M&T Bank Building, 118 N. Tioga Street

Ithaca, New York 14850-4343

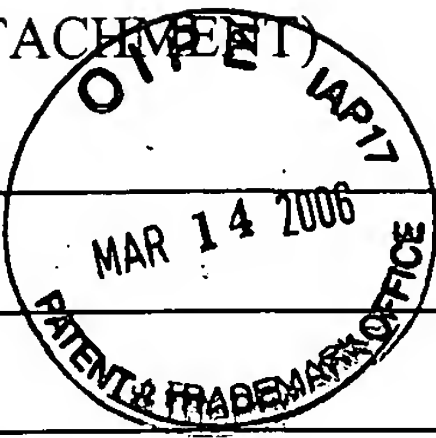
Voice: (607) 256-2000 Fax: (607) 256-3628

e-mail: docket@bpmlegal.com

Customer number: 020808

  
Date:

Section 2. Form PTO - 1449 (Modified) (ATTACHMENT)



FORM PTO-1449 U.S. DEPT. OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE	ATTY DOCKET NO. KUP-6	SERIAL NO. 10/523,538
	APPLICANT Sunagawa et al.	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE February 3, 2005	GROUP 3762

U.S. PATENT DOCUMENTS

Exam Initial		DOCUMENT NUMBER	DATE	PATENTEE	CLASS	SUB	FILING DATE IF APPROPR
		3,861,397	01/21/1975	Rao et al.	128	419	

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

Exam Initial		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB	TRANSLATION YES   NO
		JP S49-108538	10/16/1974	Japan			Equivalent to US3,861,397
		JP05-245215	09/24/1993	Japan	A61N	1/365	abstract

OTHER PRIOR ART

Exam Initial		Author, Title, Date, Pertinent Pages, Etc
EXAMINER		DATE CONSIDERED